

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated August 23, 2007 (hereinafter "Office Action") have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the objection to Claim 26, the identifier for the claim has been changed to indicate that the claim has been canceled. Applicant accordingly requests that the objection be removed.

Applicant respectfully traverses each of the § 103(a) rejections based upon the teachings of U.S. Publication No. 2004/0049779 by Sjoblom (hereinafter "Sjoblom") and U.S. Publication No. 2004/0098386 by Thint (hereinafter "Thint") because the cited references alone, or in combination, have not been shown to teach or suggest each of the claimed limitations. For example, it has not been asserted or shown that Sjoblom or Thint teaches showing collected information on the screen of a broadcaster's terminal as claimed in Claims 1 and 11. As pointed out previously, such arguments being incorporated herein, Sjoblom does not teach or suggest showing collected information. As Thint makes no reference to a broadcast system or a broadcast terminal, Thint also fails to teach or suggest showing collected information on an audience of a broadcast on a broadcaster's terminal. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejections of at least Claims 1-3 and 5-11 are improper.

In addition, Thint has not been shown to teach showing collected information on an audience on the screen of a user terminal, as claimed in each of the independent claims. While Thint teaches in paragraph [0008] that one user profile may be displayed on a terminal for that user, there is no indication that multiple profiles are displayed showing collected information on an audience as claimed. Instead, Thint teaches that privacy measures are used for the profiles in order to restrict the showing of information collected in a given profile (*e.g.*, paragraph [0045]). The showing of one user's profile fails to correspond to the claimed showing of collected information on an audience. Without a

presentation of correspondence to each of the claimed limitations, the § 103(a) rejections are improper.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See, e.g., MPEP § 2143.03. Certain claim limitations such as those directed to showing collected information on an audience and showing such information on a broadcaster’s terminal, which are not taught by either of the cited references cannot be ignored. For example, it acknowledged in the Office Action that Sjoblum does not teach the claimed showing, and Thint makes no reference to a broadcast system or a broadcaster’s terminal. As neither of the asserted references teaches or suggests such limitations, any combination thereof must also fail to teach such limitations.

Applicant accordingly requests that the § 103(a) rejections be withdrawn.

Dependent Claims 2, 5-10, 12, 15-19, 21-23 and 24 depend from independent Claims 1, 20 and 27, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Sjoblum and Thint. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1, 20 and 27. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2, 5-10, 12, 15-19, 21-23 and 24 are patentable over the asserted combination of Sjoblum and Thint.

The § 103(a) rejections are further traversed as a skilled artisan would not be motivated to combine the teachings of Sjoblum and Thint as asserted. No evidence has been presented that a skilled artisan would modify Sjoblum to show information collected on an audience. Rather, the relied-upon information in Thint is personal information protected by privacy measures to prevent such a public showing. As Sjoblum is directed to a television broadcast, a skilled artisan would not be motivated to provide Sjoblum's broadcast with Thint's personal profile information. Without a presentation of the requisite suggestion or motivation to combine the cited references as asserted, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

With respect to the § 103(a) rejection of dependent Claims 3 and 13, the further reliance on the teachings of U.S. Publication No. 2003/0006911 to Smith *et al.* (hereinafter "Smith") does not overcome the above-discussed deficiencies of the combination of Sjoblom and Thint. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). As these claims depend from independent Claims 1 and 27, the rejection is believed to be moot in view of the remarks made above in connection with independent Claims 1 and 27. Therefore, dependent Claims 3 and 13 are patentable over the asserted combination of Sjoblom, Thint and Smith.

It should also be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.154US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the

undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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